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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-VS-

D-1 DEMOND JOHNS,
D-2 ZAIRE FAULKNER,
D-3 MARIO MURGUIA,
D-4 DEMARQUAN SMITH,
D-5 TOMMY OWENS,
D-6 BRITTANY BARTKOWIAK,

Defendants.

Case: 2:22-cr-20074

Judge: Murphy, Stephen J.

MJ: Grey, Jonathan J.C.

Filed: 02-16-2022

INDI USA VS SEALED MATTER (DP)

Violation(s):

21 U.S.C. § 846

21 U.S.C. § 841(a)(1)

18 U.S.C. § 922(g)(1)

UNDER SEAL

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

(21 U.S.C. § 846 – Conspiracy to Distribute Fentanyl)

D-1 DEMOND JOHNS
D-2 ZAIRE FAULKNER
D-3 MARIO MURGUIA
D-4 DEMARQUAN SMITH
D-5 TOMMY OWENS

From in and around June 2021 through in and around February 2022, in the Eastern District of Michigan and elsewhere, defendants D-1 DEMOND JOHNS,

D-2 ZAIRE FAULKNER, D-3 MARIO MURGUIA, D-4 DEMARQUAN SMITH, and D-5 TOMMY OWENS knowingly and intentionally combined, conspired, confederated, and agreed together and with each other, and with other persons known and unknown to the Grand Jury, to distribute a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (also known as fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1).

With respect to defendants D-1 DEMOND JOHNS, D-2 ZAIRE FAULKNER, and D-3 MARIO MURGUIA, the controlled substances involved in the conspiracy attributable to them as a result of their own conduct, and the conduct of other co-conspirators reasonably foreseeable to them, are 40 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (also known as fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(B)(vi).

WAYS, MANNER, AND MEANS TO ACCOMPLISH THE CONSPIRACY

1. The primary purpose of the conspiracy was to make money through the unlawful distribution of fentanyl. The ways, manner, and means by which the defendants and their co-conspirators carried out this purpose included, but were not limited to, the following:

2. Members of the conspiracy played different roles, took upon themselves different tasks, and participated in the affairs of the conspiracy through various criminal acts. They made themselves and their services available to each other at various times throughout the conspiracy and participated in certain ventures on an “as needed” basis.

3. Members of the conspiracy used cellular telephones to communicate with each other to facilitate their unlawful drug trafficking activities. In doing so, they used various methods to avoid the detection of law enforcement, including communicating on cellular telephones not associated with their real names; changing the telephones and/or telephone numbers they used; and using coded language to try and disguise the nature of their communications.

4. Members of the conspiracy used various methods to conceal their unlawful drug trafficking activities from law enforcement to ensure the continued existence and success of the conspiracy, to include distributing narcotics at multiple different locations and using rental vehicles to distribute narcotics.

5. Members of the conspiracy conducted drug trafficking activities at various locations in the Eastern District of Michigan and elsewhere, to include various locations in Jackson County.

OVERT ACTS

6. In order to further the goals and purposes of the conspiracy, D-1 DEMOND JOHNS, D-2 ZAIRE FAULKNER, D-3 MARIO MURGUIA, D-4 DEMARQUAN SMITH, and D-5 TOMMY OWENS and their co-conspirators committed overt acts in the Eastern District of Michigan and elsewhere, including, but not limited to, the following:

7. On or about June 25, 2021, in Jackson County, in the Eastern District of Michigan, defendants D-1 DEMOND JOHNS, D-3 MARIO MURGUIA, and D-4 DEMARQUAN SMITH distributed approximately seven (7) grams of a mixture and substance containing a detectable amount of fentanyl.

8. On or about June 30, 2021, in Jackson County, in the Eastern District of Michigan, defendants D-1 DEMOND JOHNS and D-3 MARIO MURGUIA distributed approximately 29.7 grams of a substance purported to be heroin but which was not a controlled substance.

9. On or about December 2, 2021, D-5 TOMMY OWENS traveled from Kentucky to Jackson County, in the Eastern District of Michigan, in order to purchase a quantity of narcotics from D-1 DEMOND JOHNS that D-5 TOMMY OWENS intended to sell to customers at a later time.

10. On or about January 6, 2022, in Jackson County, in the Eastern District of Michigan, defendants D-1 DEMOND JOHNS, D-2 ZAIRE

FAULKNER, and D-3 MARIO MURGUIA, and, distributed approximately 20.7 grams of a mixture and substance containing a detectable amount of fentanyl.

(All in violation of Title 21, United States Code, Section 846.)

COUNT TWO

(21 U.S.C. § 841(a)(1) – Distribution of Fentanyl)

D-1 DEMOND JOHNS
D-3 MARIO MURGUIA
D-4 DEMARQUAN SMITH

On or about June 25, 2021, in the Eastern District of Michigan, defendants D-1 DEMOND JOHNS, D-3 MARIO MURGUIA, and D-4 DEMARQUAN SMITH knowingly and intentionally distributed a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (also known as fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT THREE

(21 U.S.C. § 841(a)(1) – Distribution of Fentanyl)

D-1 DEMOND JOHNS
D-2 ZAIRE FAULKNER
D-3 MARIO MURGUIA

On or about January 6, 2022, in the Eastern District of Michigan, defendants D-1 DEMOND JOHNS, D-2 ZAIRE FAULKNER, and D-3 MARIO MURGUIA knowingly and intentionally distributed a mixture and substance containing a

detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (also known as fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR

(18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm)

D-1 DEMOND JOHNS
D-6 BRITTANY BARTKOWIAK

On or about November 25, 2021, in the Eastern District of Michigan, defendants D-1 DEMOND JOHNS and D-6 BRITTANY BARTKOWIAK, each knowing that he/she had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, a Sarsilmaz, SAR 9, 9mm pistol, bearing serial number T110220BV81078, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT FIVE

(18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm)

D-5 TOMMY OWENS

On or about December 2, 2021, in the Eastern District of Michigan, defendant D-5 TOMMY OWENS, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, a Hi-Point, Model C-9, 9mm pistol, bearing serial number P1826375, said firearm

having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT SIX

(18 U.S.C. § 922(g)(1) – Felon in Possession of Ammunition)

D-5 TOMMY OWENS

On or about December 2, 2021, in the Eastern District of Michigan, defendant D-5 TOMMY OWENS, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed ammunition, that is, one (1) round of Freedom Munitions 9mm ammunition, said ammunition having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT SEVEN

(18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm)

D-2 ZAIRE FAULKNER

On or about December 15, 2021, in the Eastern District of Michigan, defendant D-2 ZAIRE FAULKNER, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, a Smith and Wesson .40 caliber pistol, bearing serial number VAN5954, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT EIGHT

(18 U.S.C. § 922(g)(1) – Felon in Possession of Ammunition)

D-1 DEMOND JOHNS

On or about December 15, 2021, in the Eastern District of Michigan, defendant D-1 DEMOND JOHNS, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed ammunition, that is, five (5) rounds of Hornady 9mm ammunition, said ammunition having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

FORFEITURE ALLEGATIONS

(21 U.S.C. § 853; 18 U.S.C. § 924(d); 28 U.S.C. § 2461 – Criminal Forfeiture)

1. The allegations contained in Counts One through Eight of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 21, United States Code, Section 853; Title 18, United States Code, Section 924(d); and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offenses alleged in Counts One, Two, and/or Three of this Indictment, the defendant(s) shall forfeit to the United States: (a) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violation, and (b) any property, real or personal, used, or intended

to be used, in any manner or part, to commit, or to facilitate the commission of, such violation, pursuant to Title 21, United States Code, Section 853(a).

3. Upon conviction of the offenses set forth in Counts Four, Five, Six, Seven, and/or Eight of this Indictment, the defendant(s) shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), any firearm and ammunition involved in or used in the knowing commission of the offense(s).

4. Substitute Assets: If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant(s):

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third party;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or
- e. Has been commingled with other property that cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c).

THIS IS A TRUE BILL.

s/ Grand Jury Foreperson

Grand Jury Foreperson

Date: February 16, 2022

Dawn N. Ison
United States Attorney

s/ Craig Wininger

Craig Wininger
Assistant United States Attorney
Chief,
Violent and Organized Crime Unit

s/ William M. Sloan

William M. Sloan
Andrew Picek
Assistant United States Attorneys

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <i>WMS</i>

Case Title: USA v. Demond Johns, et al.

County where offense occurred : Jackson

Check One: ☒ Felony ☐ Misdemeanor ☐ Petty

☒ Indictment/ ☐ Information --- no prior complaint.
☐ Indictment/ ☐ Information --- based upon prior complaint [Case number: _____]
☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].]

Superseding Case Information

Superseding to Case No: _____ Judge: _____

- ☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
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Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

February 16, 2022
Date

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¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.